UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALEC S. COSTERUS, Plaintiff,	)	
v.	)	00-CV-12156-MEL
BARRY NEAL, et al., Defendants.	)	MEMORANDUM AND ORDER

LASKER, D.J.

Defendants' Motion to Dismiss Certain Counts of the Plaintiff's Amended Complaint is disposed of as follows:

1. Counts 12, 29, 30, and 46 are dismissed on the grounds of issue preclusion.

2. Count 20 is dismissed on the grounds that the licensing authority was authorized to use a sealed record.

3. Counts 3, 4, 12, 20, and 46 are dismissed on the grounds of qualified immunity. The actions alleged to have been illegal were taken reasonably and certainly were not clearly unreasonable.

4. Counts 1 through 8 and 11 through 15 are dismissed insofar as they make claims against the Town of Concord. The complaint fails adequately to allege a policy or custom of the Town of Concord that is causally related to the plaintiff's injury. This applies both to the claims made under federal and Massachusetts law.

5. Counts 9, 14, 22, and 24 are dismissed on the grounds that the defendants, Public Employees, are immune from liability with regard to acts within the scope of their employment.

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The defendants' motion is otherwise denied.

It is so ordered.

Dated: November 27, 2001
Boston, Massachusetts

U.S.D.J.